

MICHELE BECKWITH
Acting United States Attorney
JUSTIN J. GILIO
ROBERT L. VENEMAN-HUGHES
Assistant United States Attorney
2500 Tulare Street, Suite 4401
Fresno, CA 93721
Telephone: (559) 497-4000
Facsimile: (559) 497-4099

Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

OSCAR ORELLANA GUEVARA,

Defendant.

CASE NO. 1:21-cr-00051-BLW-BAM

STIPULATION AND ORDER TO RESET
STATUS CONFERENCE

THE PARTIES HEREBY STIPULATE, through their respective counsel, Assistant United States Attorney, Robert Veneman-Hughes, on behalf of the government, and Michael Berdinella, Esq., on behalf of defendant Oscar Orellana Guevara (“Guevara”), move to continue the status conference set for February 26, 2025 to July 23, 2025 at 1 PM, and stipulate as follows:

1. This case is connected to a larger case, U.S. v. Leiva-Leiva et al, 22-cr-00232. The Leiva-Leiva case has voluminous discovery which is relevant to Guevara’s trial. A notice of related cases has been filed, and the government has previously informed defense and the court that it anticipates this case being joined to the Leiva-Leiva case by way of superseding indictment.
2. The government anticipates that superseding indictment will be in place by February 20, 2025, and that after defendant Guevara’s arraignment on that indictment this case will be dismissed due to the joinder.

3. Substantial additional discovery has been provided connected to the Leiva-Leiva case as well as the Guevara's case, including the contents of Guevara's cell phone, which were encrypted until the government was able to recently access the file.
4. By this stipulation, the defendant moves to continue the status conference to July 23, 2025, and exclude time until that date, in the interests of caution in case the schedule of counsel does not permit arraignment on the superseding indictment in Leiva-Leiva before that date. The parties anticipate that this case will be dismissed prior to July 23, 2025.
5. This is the same date as the Leiva-Leiva related case is being requested to set on and it would be in the interest of court efficiency for these matters to be set on the same date.
6. The government does not object to this continuance.
7. The parties agree and stipulate, and request that the Court find the following:
 - i) The government has represented that the discovery associated with this case includes investigative reports, and related documents, photographs, etc., in electronic form. All of this discovery has been either produced directly to counsel and/or made available for inspection and copying.
 - ii) Defense counsel requires additional time to review discovery and investigate.
 - iii) The government does not object to the continuance.
 - iv) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.
 - v) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of February 19, 2025, to July 23, 2025, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A) and 18 U.S.C. § 3161(h)(7)(B)(iv) because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such

action outweigh the best interest of the public and the defendant in a speedy trial.

8. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

Dated: February 19, 2025

MICHELE BECKWITH
Acting United States Attorney

/s/ ROBERT L. VENEMAN-HUGHES
ROBERT L. VENEMAN-HUGHES
JUSTIN J. GILIO
Assistant United States Attorney

Dated: February 19, 2025

/s/ MICHAEL BERDINELLA
MICHAEL BERDINELLA
RICHARD TAMOR
Counsel for Defendant
OSCAR ORELLANA
GUEVARA

ORDER

The Stipulation to continue the status conference is GRANTED IN PART and DENIED IN PART. IT IS SO ORDERED that the status conference is continued from February 26, 2025 to **March 31, 2025, at 1:00 p.m. in Courtroom 5 before District Judge B. Lynn Winnill**. Pursuant to the Stipulation, time is excluded from February 26, 2025 to July 23, 2025 pursuant to 18 U.S.C. § 3161(h)(7)(A), B(i), B(ii), and B(iv).

IT IS SO ORDERED.

Dated: **February 20, 2025**

/s/ *Barbara A. McAuliffe*
UNITED STATES MAGISTRATE JUDGE